

Enclosure 1

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/7/12

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WAVERLY PROPERTIES, LLC,

Plaintiff,

-against-

KMG WAVERLY, LLC; VANGUARD  
CONSTRUCTION & DEVELOPMENT CO.,  
INC., BURT MILLER, an individual; ERIC  
GRANOWSKY, an individual; STAN KLEGER,  
an individual; BKSK ARCHITECTS, LLP;  
STANISLAV SLUTSKY, P.E.; ROBERT  
SILMAN ASSOCIATES, P.C., MARATHON  
WAVERLY, LLC; RON BERNSTEIN, an  
individual; and STRIBLING MARKETING  
ASSOCIATES LLC,

Defendants.

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE AS TO  
ALL DEFENDANTS**

09 CIV. 3940 (PAE)

Pursuant to Fed. R. Civ P. 41, the undersigned counsel hereby stipulate to dismiss all claims, cross-claims and counter-claims asserted against any party in this action in their entirety with prejudice, with each party to bear its own costs.

This stipulation may be signed in counterparts, and facsimile or scanned signatures are valid and binding as if they were original signatures.

HUGHES HUBBARD & REED, LLP  
Attorneys for Plaintiff  
Waverly Properties, LLC

One Battery Park Plaza  
New York, New York 10004

Agreed and Consented to:



Peter A. Sullivan  
Steven S. DiCesare

STARR ASSOCIATES, LLP  
Attorneys for Defendants  
KMG Waverly, LLC, Burt Miller, Eric  
Granowsky, Stan Kleger, Marathon  
Waverly, LLC and Ron Bernstein  
245 Fifth Avenue, Suite 1102  
New York, New York 10016

Agreed and Consented to:



Andrea L. Roschelle  
Evan R. Schieber

GOETZ FITZPATRICK, LLP  
Attorneys for Defendant  
Vanguard Construction & Development Co.  
One Penn Plaza, Suite 4401  
New York, New York 10119

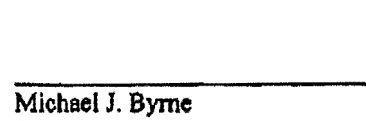
Agreed and Consented to:



John B. Simon  
~~John B. Simon~~

GOGICK, BYRNE & O'NEILL, LLP  
Attorneys for Defendant  
BKSK Architects LLP  
11 Broadway, Suite 1560  
New York, New York 10004

Agreed and Consented to:



Michael J. Byrne  
John M. Rondello

HUGHES HUBBARD & REED, LLP  
Attorneys for Plaintiff  
Waverly Properties, LLC

One Battery Park Plaza  
New York, New York 10004

Agreed and Consented to:

---

Peter A. Sullivan  
Steven S. DiCesare

GOETZ FITZPATRICK, LLP  
Attorneys for Defendant  
Vanguard Construction & Development Co.  
One Penn Plaza, Suite 4401  
New York, New York 10119

Agreed and Consented to:

---

John B. Simoni  
Joel G. MacMull

STARR ASSOCIATES, LLP  
Attorneys for Defendants  
KMG Waverly, LLC, Burt Miller, Eric  
Granowsky, Stan Kleger, Marathon  
Waverly, LLC and Ron Bernstein  
245 Fifth Avenue, Suite 1102  
New York, New York 10016

Agreed and Consented to:

---

Andrea L. Roschelle  
Evan R. Schieber

GOGICK, BYRNE & O'NEILL, LLP  
Attorneys for Defendant  
BKSK Architects LLP  
11 Broadway, Suite 1560  
New York, New York 10004

Agreed and Consented to:

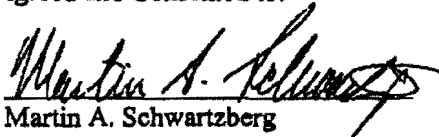


---

Michael J. Byrne  
John M. Rondello

L'ABBATE, BALKAN, COLAVITA &  
CONTINI, LLP  
Attorneys for Defendant Stanislav Slutsky,  
P.E.  
1001 Franklin Avenue, Third Floor  
Garden City, New York 11530

Agreed and Consented to:

  
Martin A. Schwartzberg

GARTNER + BLOOM, P.C.  
Attorneys for Defendant Stribling Marketing  
Associates  
801 Second Avenue, Fifteenth Floor  
New York, New York 10017

Agreed and Consented to:

\_\_\_\_\_  
Kenneth A. Bloom  
Susan P. Mahon

**IT IS SO ORDERED**

Dated: July \_\_\_\_\_, 2012

\_\_\_\_\_  
Hon. Paul A. Engelmayer  
United States District Judge  
United States District Court  
Southern District of New York

L'ABBATE, BALKAN, COLAVITA &  
CONTINI, LLP  
Attorneys for Defendant Stanislav Slutsky,  
P.E.  
1001 Franklin Avenue, Third Floor  
Garden City, New York 11530

Agreed and Consented to:

\_\_\_\_\_  
Martin A. Schwartzberg

GARTNER + BLOOM, P.C.  
Attorneys for Defendant Stribling Marketing  
Associates

801 Second Avenue, Fifteenth Floor  
New York, New York 10017

Agreed and Consented to:

\_\_\_\_\_  
Kenneth A. Bloom  
Susan P. Mahon

IT IS SO ORDERED

*August 7*  
Dated: July            2012

*Paul A. Engelmayer*

\_\_\_\_\_  
Hon. Paul A. Engelmayer  
United States District Judge  
United States District Court  
Southern District of New York